

400400-JH Courtesy

STATE OF OREGON

Cross-Reference to Declaration: Book 353

COUNTY OF DESCHUTES

Page 570

Return to: Broken Top Community Association **98-52987**
 61999 Broken Top Drive
 Bend, Oregon 97702

**SUPPLEMENTAL DECLARATION OF
 COVENANTS, CONDITIONS, AND RESTRICTIONS
 FOR BROKEN TOP COMMUNITY**

THIS SUPPLEMENTAL DECLARATION is made this 20th day of NOVEMBER, 1998, by Broken Top Limited Partnership, an Oregon limited partnership (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant filed of record that certain Declaration of Covenants, Conditions, and Restrictions for Broken Top Community dated October 27, 1992, in Book 280, Pages 1492 through 1545, et seq. in the Deed Records of Deschutes County, Oregon ("Original Declaration"); and

WHEREAS, the Original Declaration was amended and restated by that instrument filed on September 21, 1994, in Book 353, Pages 570 through 672 of such Deed Records (the Original Declaration, as so amended and restated, is hereinafter referred to as the "Declaration");

WHEREAS, pursuant to the provisions of Article IX, Section 9.1. of the Declaration, Declarant reserved the right to subject to the Declaration certain additional property described in Exhibit "B" to the Declaration (the "Annexable Property");

WHEREAS, Declarant is the owner of the real property described in Exhibit "A" attached hereto and incorporated by this reference (the "Additional Property"), which is a portion of the Annexable Property; and

WHEREAS, Declarant wishes to subject the Additional Property to the Declaration and assign it to a specific Neighborhood, as described in Article III of the Declaration;

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby subjects the real property described on Exhibit "A" hereof to the lien and operation of the Declaration and the provisions of this Supplemental Declaration, which shall apply to such property in addition to the provisions of the Declaration. Such Property shall be sold, transferred, used, conveyed, occupied, mortgaged and otherwise encumbered pursuant to the provision of this Supplemental

WEST

Declaration and the Declaration, both of which shall run with the title to such property and shall be binding upon all persons having any right, title, or any interest in such property, their respective heirs, legal representatives, successors, successors-in-title, and assign.

Such property shall be assigned to the Neighborhood identified on Exhibit "A".

IN WITNESS WHEREOF, the undersigned Declarant has executed this Supplemental Declaration, as of the date first above written.

BROKEN TOP LIMITED PARTNERSHIP, an Oregon limited partnership

By: BROKEN TOP, INC., an Oregon corporation, its general partner

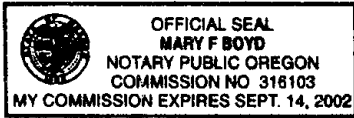
By: Mary Annstad

Its: President/CEO.

STATE OF OREGON

COUNTY OF DESCHUTES

The foregoing instrument was acknowledged before me this 20th day of NOVEMBER, 1998, by MARY ANNSTAD, PRESIDENT/CEO of Broken Top, Inc., the General Partner of Broken Top Limited Partnership.



Mary F Boyd
Notary Public for Oregon

My Commission Expires: Sept. 14th 2002

Annexed Property

A. Lots 406 through 414, Lots 429 through 435, and Lots 440 through 451 of Broken Top, a subdivision in Deschutes County, Oregon, as shown in the Plat recorded in the Plat Records in Cabinet E, 123 of Deschutes County, Oregon, are assigned to the Custom Home Neighborhood.

B. Lots 415 through 428, and Lots 436 through 439 of Broken Top, a subdivision in Deschutes County, Oregon, as shown in the Plat recorded in the Plat Records in Cabinet E, 124 of Deschutes County, Oregon, are assigned to the Custom Home Neighborhood.

C. Tracts CC and GG of Broken Top, a subdivision in Deschutes County, Oregon, as shown in the Plat recorded in the Plat Records in Cabinet E, 123 and 124 of Deschutes County, Oregon.

D. All of the right of way for private roads designated as Tam McArthur Loop, as shown on the Plat for Broken Top filed in Cabinet E, 123 and 124 of the Plat Records of Deschutes County, Oregon, Moon Mountain Court, as shown on the Plat for Broken Top filed in Cabinet E, 123 of the Plat Records of Deschutes County, Oregon, Golden Lake Court, as shown on the Plat for Broken Top filed in Cabinet E, 123 and 124 of the Plat Records of Deschutes County, Oregon, and Broken Top Drive, as shown on the Plat for Broken Top filed in Cabinet E, 124 of the Plat Records of Deschutes County, Oregon, are subject to the Declaration. SUBJECT, HOWEVER, to the following:

1. All easements shown on such plats or created by the Declaration to which the Exhibit is attached.
2. Other matters of record.

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY:

98 NOV 23 AM 11:01

MARY SUE PENHOLLOW
COUNTY CLERK

BY: T. Moore DEPUTY

NO. 98-52987 FEE 40.00
DESCHUTES COUNTY OFFICIAL RECORDS